

DOC # 1

BATTS, J
PART I

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JULIA BETANCES,

Plaintiff,

08 Civ CIV 4794

-against-

THE NEW YORK CITY
HOUSING AUTHORITY,
and TINO HERNANDEZ, as Chairman
of the New York City Housing Authority

EX PARTE ORDER
PURSUANT TO 28 U.S.C. § 1915
PERMITTING PLAINTIFF TO
PROCEED *IN FORMA PAUPERIS*

Defendants.
-----X

Upon the annexed declarations of JULIA BETANCES, and LINDA HOLMES, Esq., executed
May 21, 2008, IT IS ORDERED that the plaintiffs be and they hereby are permitted to
commence and prosecute to conclusion, including any appeal therein, this action against New
York City Housing Authority and Tino Hernandez as Chair of the Housing Authority, *in forma
pauperis*, without payment of fees or costs or giving security for them.

Deborah A. Batts
UNITED STATES DISTRICT JUDGE

PART I

Dated: New York, New York
May 22, 2008

2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JULIA BETANCES,

Plaintiff,

08 Civ. _____

-against-

THE NEW YORK CITY
HOUSING AUTHORITY,
and TINO HERNANDEZ, as Chairman
of the New York City Housing Authority

DECLARATION OF JULIA BETANCES
PURSUANT TO 28 U.S.C. § 1915
IN SUPPORT OF APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

Defendants.

-----X

I, Julia Betances, a resident of Kings County, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a plaintiff in this action against the New York City Housing Authority and Tino Hernandez, as Chairperson, in which I am challenging defendants' actions in failing to transfer me and my disabled child to a handicap accessible apartment.
2. I believe I am entitled to the relief sought in this action because, as more fully shown in the complaint to be filed in this case, defendants have violated my rights under federal disability and housing laws.
3. I request permission to commence and prosecute this action *in forma pauperis*, without having to pay fees and costs, or give security for them.
4. Because of my poverty, I am unable to pay the fees and costs to start this action, or to give security for them, and to provide myself with the necessities of life.
5. I am a resident of Armstrong Houses, a public housing development, administered by The New York City Housing Authority.

6. Currently, I can only work part-time as I have to care for my disabled child. I work as a home attendant and I make approximately \$10,000 yearly.
7. My child, Aljenis Payamps receives SSI of \$660 monthly, or \$7920 yearly.
8. I am receiving food stamps in the amount \$288 monthly.
9. Aside from my part-time income, Aljenis' SSI and the food stamps, I have no other income and no significant financial resources.
10. No previous application for the relief requested herein has been made.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 21, 2008.


JULIA BETANCES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JULIA BETANCES,

Plaintiff,

08 Civ. _____

-against-

THE NEW YORK CITY
HOUSING AUTHORITY,
and TINO HERNANDEZ, as Chairman
of the New York City Housing Authority

DECLARATION OF TRANSLATION

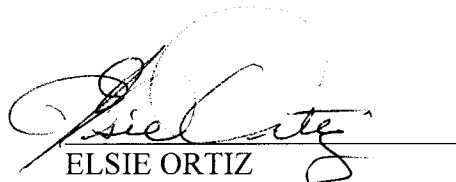
Defendants.

-----X

I, Elsie Ortiz, an employee of The Legal Aid Society, hereby declare pursuant to 28
U.S.C. § 1746 as follows:

1. I am fluent in the Spanish and English languages.
2. I today read the attached Declaration in Support of Application to Proceed *in forma pauperis* to the plaintiff, translating it from English to Spanish.
3. The plaintiff indicated that she understood the contents of the document and signed it.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 21, 2008.


ELSIE ORTIZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JULIA BETANCES,

Plaintiff,

08 Civ. _____

-against-

THE NEW YORK CITY
HOUSING AUTHORITY,
and TINO HERNANDEZ, as Chairman
of the New York City Housing Authority

DECLARATION OF LINDA HOLMES
PURSUANT TO 28 U.S.C. § 1915
IN SUPPORT OF APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

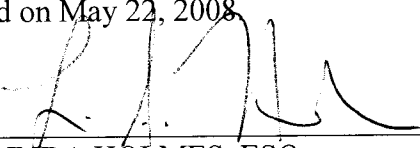
Defendants.

-----X

LINDA HOLMES, ESQ., declares under penalty of perjury as follows:

1. I am of counsel to Steve Banks, Attorney-in-Chief of The Legal Aid Society, counsel for the plaintiff in this action.
2. Ms. Betances, the named plaintiff in this action, has authorized me to appear as her counsel.
3. I have examined the facts in the above-captioned action against New York City Housing Authority and believe there is merit to plaintiff's cause of action.
4. No previous application for the relief requested herein has been made.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 22, 2008



LINDA HOLMES, ESQ.
JOHN PAUL NEWTON (JP 1976)

08 Civ.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIA BETANCES

Plaintiff,

-against-

THE NEW YORK CITY
HOUSING AUTHORITY
And TINO HENRANDEZ, as Chairman
Of the New York City Housing Authority,
Respondent.

**ORDER PERMITTING PLAINTIFF TO
APPEAR *IN FORMA PAUPERIS***

Signature (Rule 130-1.1-a)

LINDA HOLMES, OF COUNSEL

STEVEN BANKS, ESQ., *Attorney-in-Chief*
THE LEGAL AID SOCIETY
BROOKLYN NEIGHBORHOOD OFFICE
Attorney for Respondent
111 LIVINGSTON STREET 7TH FL.
BROOKLYN, NY 11201
(718)722-3100

To:

Service of a copy of the within is hereby admitted.

Dated: